

### REMARKS

This responds to the Office Action dated September 9, 2008.

Claims 1 and 20 are amended. Claims 1-10 and 20-29 are now pending in this application.

#### §112 Rejection of the Claims

Claims 1-10 and 20-29 were rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description or enablement. The rejections are traversed and reconsideration is respectfully requested.

Support in the specification for generating an output signal based upon the relationship between the tone signal and the activity signal, as recited by independent claims 1 and 20, is found, for example, on page 4, lines 6-14. Applicant believes that an output signal based upon the relationship between the tone signal and the activity signal is the same thing as an output signal reflective as to how the tone signal varies with the activity signal. Claims 1 and 20 have been amended herein, however, to more closely conform to the actual language used in the specification. Claims 1 and 20 have also been amended to positively recite a feature or step relating to the establishment of a baseline. Support in the specification for establishing a baseline that correlates different measurements of autonomic tone and activity level over a predetermined period of time is found, for example, on page 6, lines 16-28. Support in the specification for comparing the output signal with the baseline and classifying a patient's health status based upon the comparison is found, for example, on page 7, lines 12-15 and on page 8, lines 24-30.

Applicant believes that the claims as amended herein are supported by the specification and recite subject matter neither taught nor suggested by the prior art of record. Withdrawal of the rejections is respectfully requested.

### CONCLUSION

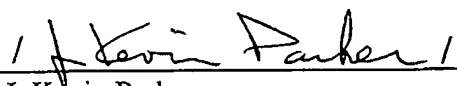
Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (847) 432-7302 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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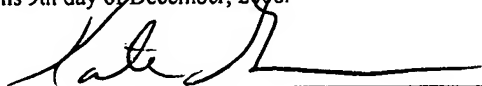
Date December 9, 2008

By   
J. Kevin Parker  
Reg. No. 33,024

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 9th day of December, 2008.

Kate Gannon

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Name

  
Signature